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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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02/13/2001

Keishi Sugimoto

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8013

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11/29/2005

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EXAMINER

LIU, JONATHAN

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 2, 6-7, 9, 13-15, 17, and 20-21 drawn to overwriting from a second transport stream to first transport stream, classified in class 370, subclass 389.
 - II. Claim 3, 8, 10-12, and 18 drawn to mutually insertion between the first and second transport streams, classified in class 370, subclass 396.
 - III. Claims 1, 4-5, 16, and 19, drawn to combination of packets insertion and overwriting, classified in class 370, subclass 395.3.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because overwriting the packet from necessary PID from one TS to the unnecessary PID from the other TS does not required to perform mutually insertion between two TSs, which both have the necessary PID. In addition, invention I and invention II do not required to rewrite the packet to be different from one another and do not be necessary to perform selection of TS as combination invention. The subcombination has separate utility such as following:

In invention I, overwriting of packets is performed by writing the necessary packet identifier (PID) from one transport stream (TS) to unnecessary packet identifier of the other transport stream.

In invention II, mutually insertion of packets is performed by switching the necessary packet identifier between two transport streams.

In general, the overwriting or inserting the packet could be performed by switching the message without performing selecting stream requirement or rewritten TS.

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as mutually insertion between two necessary PID stream. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, Group I is not required for Group III, and Group II is not required for Group III restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Liou whose telephone number is 571-272-8136. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Liou

11/23/2005


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER